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Attorneys for defendants  
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of the law firm of James M. Millar, Esq., JAMES M.  
MILLAR, ESQ., TONY TORREZ and CHAD SCHIMKE

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

CARLO ANTONIO DEL CONTE,

Plaintiff,

vs.

THE SAN FRANCISCO POLICE  
DEPARTMENT, OFFICER X KERWITZ,  
individually and as a member of the San  
Francisco Police Department, OFFICERS  
DOE 1 through DOE 8, being fictitious  
names, individually and as members of the  
San Francisco Police Department, SALLY  
MORIN, ESQ., individually and as a  
member of the law firm of James M. Millar,  
Esq., JAMES M. MILLAR, ESQ., TONY  
TORREZ and CHAD SCHIMKE

Defendants

) **Case No. C 06-5030-JSW**

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)  
) **ORDER DISMISSING FIRST AMENDED**  
) **COMPLAINT AS TO DEFENDANTS**  
) **JAMES MILLAR, SALLY MORIN, TONY**  
) **TORREZ AND CHAD SCHIMKE**

IT IS HEREBY ORDERED that plaintiff CARLO ANTONIO DEL CONTE's First  
Amended Complaint is dismissed as to Defendants JAMES MILLAR, SALLY MORIN, TONY  
TORREZ, AND CHAD SCHIMKE, only, with prejudice pursuant to Fed.R.Civ.P. 41(a)(1). Each

1 party shall bear their own fees and costs of suit.

2 March 23, 2009

3 Dated: \_\_\_\_\_

  
DISTRICT COURT JUDGE